

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER LISOWSKI, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

HENRY THAYER COMPANY, INC. and
L'ORÉAL USA, INC.

Defendants.

CASE NO.: 2:19-CV-1339

The Honorable

Marilyn J. Horan

**JOINT MOTION TO AMEND SCHEDULING ORDER REGULATING
DISCOVERY AND THE DEADLINE TO FILE MOTION FOR CLASS
CERTIFICATION**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff and Defendants, by and through their undersigned counsel, hereby stipulate to amend the current schedule regarding discovery and the class certification motion as follows:

1. The deadline to complete fact discovery for purposes of Class Certification and for Purposes of the Named Plaintiff's Individual Claims is extended through and including **January 1, 2022**.

2. Plaintiff's deadline to file the Class Certification Motion and produce Expert Reports and Necessary Disclosures in Support of Class Certification is extended through and including **January 17, 2022**.

3. Consistent with these new deadlines, the Parties have adjusted subsequent dates with the following proposed schedule:

- March 11, 2022 - Deadline to Complete Depositions & Document Production of Plaintiff's Experts re: Class Certification;
- April 18, 2022 - Last Day to File Opposition to Class Certification Motion; to Produce Expert Reports And Necessary Disclosures In Opposition to Class Certification; to File A Motion For Summary Judgment Directed To The Named Plaintiff's Claims;
- May 16, 2022 - Deadline to Complete Depositions & Document Production of Defendant's Experts re: Class Certification;
- May 31, 2022 - Last Day to File Reply in Support of Class Certification Motion; Last Day to Oppose Motion for Summary Judgment Directed to Named Plaintiff's Claims;
- June 15, 2022 - Last Day to File Daubert Motions for Class Certification Experts;
- June 21, 2022 - Last Day to File Reply in Support of Motion for Summary Judgment Directed to Named Plaintiff's Claims;
- July 1, 2022 - Date by which the Parties shall file their Alternative Dispute Resolution Stipulation;
- July 15, 2022 - Last Day to Oppose Daubert Motions for Class Certification Experts;
- August 1, 2022 - Last Day to File Reply in Support of Daubert Motions for Class Certification Experts.

In support of this Joint Motion, the parties state as follows:

WHEREAS, this Court established the initial Case Management Schedule and set the current deadlines for discovery (November 2, 2021) and the filing of the class certification motion (November 17, 2021) (ECF #38-1).

WHEREAS, the parties have engaged in written discovery and the scheduling of depositions.

WHEREAS, despite their diligence and good faith efforts, the parties have been unable to complete discovery. For example, Thayer's document production involves accessing archived documents and information, which has taken significant time to collect and process. Further, certain employees departed Thayer after its sale of assets to L'Oréal USA, Inc., adding an additional layer of difficulty to identifying, locating, and collecting responsive information.

WHEREAS, the parties require additional time to complete the delivery and review of responsive documents and to take depositions.

WHEREAS, for all the foregoing reasons, there is good cause to extend the deadlines relating to the close of discovery and the filing of the Class Certification motion.

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED TO BY THE PARTIES, AND THEY RESPECTFULLY MOVE, by and through their respective undersigned attorneys, that the present Scheduling Order be amended as stated above.

Dated: October 28, 2021

Respectfully submitted,

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